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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,692	03/29/2000	JEAN-BAPTISTE ALBERTINI	0846-0544-2-	2693
22850	7590	08/05/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				DONOVAN, LINCOLN D
ART UNIT		PAPER NUMBER		
		2832		

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

100%

Office Action Summary	Application No.	Applicant(s)	
	09/508,692	ALBERTINI ET AL.	
	Examiner	Art Unit	
	Lincoln Donovan	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03-30-04.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-23,25-27,29 and 38-46 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 45 and 46 is/are allowed.
 6) Claim(s) 21,23,25,27,29 and 38-44 is/are rejected.
 7) Claim(s) 22 and 26 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 23, 25, 27, 29 and 38-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Charles.

Regarding claims 29 and 38-44, Charles discloses a magnetic circuit comprising a magnetic layer having a median line and composed of a series of portions [segments 16] separated by walls [gaps 18] of insulating material [column 2, lines 62-64] spaced at a pitch to extend a frequency of operation to a resonant frequency. Charles is silent as to the wall generating a demagnetizing field, however, it is the position of the examiner that the subject functional language is inherent to the prior art structure as evidenced by the prior art meeting all the claimed structural limitations. Compare figure 4 of applicant's specification and prior art figure 1 and respective portions of the specifications.

Regarding claims 21 and 25, Charles discloses each portion, or segment, of the magnetic circuit being a single layer.

Regarding claims 23 and 27, Charles discloses the walls being evenly spaced [figure 4].

Response to Arguments

Applicant's arguments filed 03-30-04 have been fully considered but they are not persuasive.

Applicant argues Charles is directed to reducing eddy currents and not increasing operating frequencies by reducing the value of the magnetic permeability by acting on a demagnetizing field. Applicant has not claimed any specific structure to control operating frequencies or act on the demagnetizing field differentiating from that shown by Charles. Applicant merely claims that “each wall of insulating material has a width and is spaced at a pitch to extend a frequency of operation up to a resonant frequency.” Charles shows walls of insulating material having a width and spaced at a pitch to extend a frequency of operation up to a resonant frequency.” Applicant has not claimed any specific relationships to provide specific frequencies. Applicant further argues that Charles is not directed to thin film applications. Charles discloses a magnetic circuit design. Applicant has not claimed any specific parameters.

Allowable Subject Matter

Claims 45 and 46 are allowed.

Claims 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest, in the claimed combination, the magnetic layer being formed by a stack of alternating magnetic and insulating layers.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is (571) 272-1988. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd



LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2108

A handwritten signature of "LDD" is written over a circular stamp. The stamp contains the text "LINCOLN DONOVAN" at the top, "PRIMARY EXAMINER" in the middle, and "GROUP 2108" at the bottom.